

Gender and Citizenship

What Does a Rights Framework Offer Women?

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There are cynical interpretations possible of the growing importance given to a rights-based approach to development by a number of bilateral and multilateral donors. This approach could be, and often is, used to justify interventions in developing countries which serve the interests of donors rather than the country – to justify protectionist attitudes in international trade, for instance. It is used selectively to oppose political leaders who do not have the right politics or to turn a blind eye to the activities of those who do. However, there is also a less cynical interpretation which is that the international community is finally acknowledging its collective commitment to the dignity and respect that is the birthright of every individual.

For feminists, a rights-based approach offers the opportunity to contest notions of unequal worth embedded in many cultures and given statutory recognition in their laws; and to demand that notions of citizenship be extended to women and be reconceptualised accordingly. Feminist strategies have included:

- drawing attention to the neglect of women in relation to a whole array of policies and programmes: social, economic and political
- demanding redress of disparities and imbalances in resource allocation
- countering local cultures and traditions which infringe on the fundamental freedoms and rights of women
- claiming accountability of the state both in terms of its international treaty obligations as well as its own constitutional obligations to treat women as equal citizens.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW or the Convention) is an international bill of rights for women. It is a human rights instrument that transcends the traditional divide between civil and political rights on the one hand and economic, social and cultural rights on the other, and represents a comprehensive rights framework to address both the causes and the effects of gender inequality. It recognises the 'seamless web' of women's lives and addresses both the public and the private. CEDAW also represents an important challenge to the principle of formal equality and seeks to substitute instead the principle of substantive equality.

In other words, it endorses *equality of opportunity* policies but goes beyond these to seek *equality of outcomes*. Differences in the social positioning of women and men are reflected in the unequal distribution of rights, resources and responsibilities. The subordination of women as represented in cultural norms and behaviour is reproduced in public policies, legal frameworks and institutional practices. Therefore, granting women and men the same rights in law, or the same opportunities in policy, does not necessarily translate into the equal enjoyment of rights or resources. The equal access of women and men to resources and opportunities provides a basis and an entry point for the reduction of male–female disparities. Countering the effects of ‘gender disadvantage’, i.e. countering the cumulative effects of past discrimination, however, requires the adoption of proactive, *corrective measures* based on a recognition of both biological (sex) difference and socially constructed (gender) differences. Sex difference and sex-based differences are significantly manifest in the different needs and interests of women and men as well as in societal norms and assumptions about the roles and capabilities of women and men. Thus corrective measures may require that women and men are treated differently in order for them to benefit equally. CEDAW encompasses law, culture, public policy and programmes, thereby providing a broad canvas for intervention and the potential to catalyse a change process. Women’s rights activists have been able to refer to CEDAW, and in particular to the understanding of substantive equality implicit in the principles and provisions of CEDAW, to support their claim on the fulfilment of state obligations. This has brought about, in many cases, a reorientation of activist energy and agendas to the issue of citizenship and state accountability. It has required that attention be given to building the capacity of activists to be effective in the formulation of their claims and strategic in their engagement with the state.

While a number of countries, including the United States, consider any attempt to provide special provisions (such as paid maternity leave provisions) to women in recognition of their reproductive responsibilities as deviating from ‘equal rights’, the Convention states unequivocally that positive measures to address women’s role and function in human reproduction can *never* be constituted as

discrimination. Most countries in the world have ratified the Convention, albeit with reservations. However, the domestic applicability and impact of international conventions depend on the level of awareness in national politics of what international treaty obligations mean and how these can be used to make claims locally. It is the formulation of these claims locally by citizen’s groups, activists, social organisations, etc., and the demand for state accountability in the fulfilment of treaty obligations, that can give real meaning to otherwise abstract international instruments.

Feminists and women’s organisations in different parts of the world have made creative use of the Convention and other international instruments to raise awareness around issues of social justice and equality as well as to organise specific advocacy campaigns. International declarations and instruments have been used in the movement for constitutional and legislative reform; for the adoption of gender-fair social policies and programmes; for the reallocation of resources; and for the right of representation in decision-making and governance.

For example, International Women’s Rights Action Watch (IWRAP) – Asia Pacific, a non-governmental organisation based in Kuala Lumpur, Malaysia, undertakes training in the region with national women’s organisations, many of whom in turn work with grassroots women’s groups, to provide them with the information and advocacy skills necessary to lobby their governments to implement the agreements they have been prepared to ratify in the international arena. IWRAP Asia Pacific’s work has focused on building local capacity of women’s organisations to assist governments in the fulfilment of their treaty obligations. Training workshops are conducted to help develop and deepen the understanding of discrimination and substantive equality with reference to CEDAW. The focus of this work is on ensuring the accountability of the government in taking positive actions to promote the fulfilment of rights as well as to prevent violations by state or non-state actors. The training facilitates the involvement of national organisations in a monitoring process and provides them with an introduction to key concepts such as equality and non-discrimination, and a framework and approach to both understand the obligations under CEDAW as well as how to monitor its implementation.

National organisations are then expected to provide technical assistance and inputs to governments not only in the preparation of periodic reports to the CEDAW Committee, but also in making concrete and feasible recommendations on what governments can do in the short run as well as in the long run.

In the remainder of this article, I will discuss the work of Naripokkho in Bangladesh and its particular strategy in using international commitments. Naripokkho, an activist women's organisation founded in 1983, has been working for the advancement of women's human rights and entitlements, and to fight discrimination and violence against women. It has mobilised women's constituencies to raise awareness and support for equality and has initiated advocacy efforts to achieve specific measures that can provide greater relief to women who have suffered violations and injustice.

Bangladesh ratified CEDAW early on, but with important reservations including a reservation to Article 2 that obliges governments to adopt measures for the progressive elimination of discrimination against women. Reserving on the very obligation to implement the Convention while ratifying it is contrary to the spirit of the Convention and is tantamount to an abdication of responsibility to act upon the commitments that ratification represents.

While one approach to mobilising around CEDAW might have been around demanding withdrawal of the reservations, Naripokkho has chosen instead to focus on the potentials offered even within the existing position taken by Bangladesh. It has taken Bangladesh's ratification of CEDAW and other international commitments, especially the Programme of Action that came out of the International Conference on Population and Development (ICPD) and the Beijing Platform for Action, as an entry point and translated them into local demands and specific claims on the state and government. In carrying out this work, Naripokkho has focused on two key issues – women's health and violence against women.

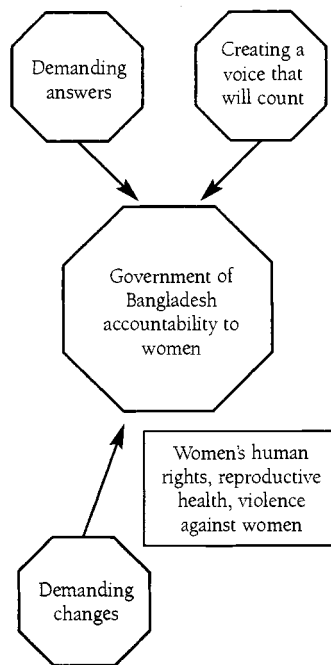
The overall framework within which this work is carried out is illustrated in Figure 1.

Rights and accountability are both aspects of citizenship and underpin Naripokkho's political work. The goal of this kind of political work has been to obtain government accountability to women. In other words, the goal is to make governments accountable to women as citizens and political constituents. In order to achieve this a three pronged strategy has been pursued – *voice, influence and impact*.

First and foremost, Naripokkho is engaged in '*creating a voice that counts*'. In other words, it is not just about *hearing* marginalised voices but engaging in a process by which those voices have to be listened to and taken into account. This is a process of constituency building. It is about making otherwise unheard and invisibilised groups of people audible and visible. Second, Naripokkho is engaged in '*demanding answers*'. This may sound naive and obvious but it is significant in that it implies a shift from passive citizenship to a situation of not simply asking questions but also demanding answers. For women, getting in to that mode goes against the grain in a culture in which hierarchies are taken for granted and reproduced through relations of authority and deference. Except for a small minority, most women are not accustomed to articulating their own needs, let alone expecting answers. The third strategy is to move beyond demanding answers to actually '*demanding changes*'. This is about questioning whom a particular policy serves and who is excluded from its benefits. It is about confronting the state with regard to distributional biases that systematically exclude the disadvantaged such as women. Thereafter it is about demanding changes on the basis of these questions. These three parallel strategies are undertaken within a broader framework of women's human rights focusing on women's health and on violence against women.

How is this done? Several different processes have been undertaken for creating '*a voice that counts*'. First, Naripokkho has convened a process of initiating a national network of women's organisations all over the country. Second, Naripokkho has made conscious and deliberate efforts to draw otherwise excluded constituencies of women into the women's movement. The first is about building *partnerships* in order to facilitate the linking of voices from the local level to the national level. The second is about building *alliances* with different marginalised

Figure 1



groups in order to broaden the movement both in terms of participants and constituents as well as in terms of the agenda.

The national network of women's organisations, currently composed of 242 women's organisations in 12 different zones of the country, was formally named *Doorbar* which is a Bangla word meaning 'indomitable'. During 1993–95 Naripokkho engaged in a special programme of facilitating the participation of local level women's organisations in a national agenda building process as part of the preparatory activities for the Fourth World Conference on Women. On the basis of four sub-regional workshops carried out in four different parts of the country, eight priority issues were identified. Consultations were then held on each of these issues with representatives from 118 local-level women's organisations. The process culminated in the First National Conference of Women's Organisations in August 1995. Over 500 participants representing 217 women's organisations from 53 of the 64 districts in Bangladesh congregated at a four-day conference to finalise their deliberations

on the eight issues. At the end of what was an intense four days of discussion and debate, a consensus document was endorsed. During the concluding session of the Conference, participants demanded that the discussion and exchange they had experienced in the process leading up to and during the National Conference must continue. In 1996 Naripokkho was finally able to respond programmatically to this demand and set up an initial process of systematic networking with 242 local-level women's organisations. By September 1997 a Regional Committee in each of the 12 zones were set up and in November 1997 a Central Committee was formed.

The network set for itself the aim of building a common platform for advocacy on violence against women and women's political empowerment. The decision to focus on these two themes was itself the result of intensive consultation among the member organisations. The first theme was chosen in response to the question 'why are we not able to advance?' Participants were unanimous in identifying violence and the fear of violence as the main

obstacle. The second theme was chosen in response to the follow-up question 'what do we most need to overcome this obstacle?' The overwhelming response in one word was 'empowerment' – a term that has come to mean so many different things. What did these women mean by empowerment? By empowerment they meant *gaining political power*, implying both confidence building as well as the achievement of a woman-friendly political environment. By woman-friendly political environment members meant the recognition of gender disadvantage at all levels of public administration and in all aspects of the institutional culture and practice of political decision-making.

Doorbar is at once a process of agenda building and of mobilisation. The systematic networking involves *mobilisation, information sharing and skills building*.

Naripokkho has facilitated processes through which marginalised groups of women, for example, women with disabilities, sex workers, violence survivors who suffer stigma, especially survivors of acid attacks and sexual violence, can be integrated in to the women's movement and can gain both voice and visibility, thereby reaching out to marginalised groups who are not accorded recognition as citizens. Women who have been subjected to violence, and in particular sexual violence, are silenced by the cultural expectations of preserving honour and the practical threats and intimidation of further retaliation if not silent. Women and girls who have been subjected to acid attacks have very often suffered severe facial disfigurement. They have 'lost face' and are isolated not only from society but also by their own families. Naripokkho's work with them has primarily been to facilitate their own forum/network and to give acid survivors a voice not only within the movement against violence against women but also in drawing both public and government attention to their needs. What kind of treatment do they get at the hands of the police, hospital personnel, etc.? What do they require in order first to want to live again, and second to get on with life? Sex workers live on the borders of 'society'. They are always excluded not only from the proverbial world of '*shongshar*' of families and homes, but also from the '*shomaj*' of society and community. They are not citizens like the rest of us. There is tremendous discomfort, not only at the policy level but also within our social movements,

to actually embrace women in prostitution as part of our communities. The stigma attached to the profession, to sex work itself, increases manifoldly in relation to the woman in the profession, the sex worker herself. She is the target of all social ostracism and shame, while others engaged in accruing profits from the trade remain invisible.

Creating a voice that will count is in other words about building a women's constituency that is diverse and broad based and that reaches out to the excluded. The mobilisation is about building a common stance/platform on issues affecting women's basic rights and freedoms. This has meant on the one hand all-out efforts to increase public awareness and social support, and on the other a preparedness to engage with the state whenever the opportunity arises. Although it is clearly recognised that the state is not monolithic, the democratic space to engage with the state is not guaranteed nor always available. Although the identification of allies and potential allies within government can facilitate constructive engagement with the state, it is ultimately the preparedness of activists to contribute ideas and information and their willingness to work hard and long hours that accord the space to do so. Participation in national and local committees has enabled Naripokkho at least to table the issues and influence the agenda.

Information sharing involves the maintenance of a regular two-way information flow. There are clear channels for discussions at the international and national level to reach grassroots organisations, and at the same time for issues faced by grassroots organisations to find a place in the political agenda at the national level. This requires more than a simple translation of information from English to Bangla and vice versa. It requires an interactive information exchange whereby the relevance or significance of particular pieces of information is established. This is achieved through a process of regular meetings at the local, sub-regional and national levels. Information dissemination has also included the distribution of important official documents such as the National Policy for Women's Advancement and the National Action Plan for Implementation of the Beijing Platform for Action to locally posted officials in the administration as well as to public representatives. Although these documents are published by the government,

district officials on the whole are not aware of their existence as they have not been distributed nor any circular issued about their existence and applicability. *Doorbar* took responsibility for distributing these documents, as well as copies of the Bangla translation of the Beijing Platform for Action and CEDAW, to the district officials. For the women in *Doorbar* these documents provide written proof that their demands are legitimate, that they have the right to ask and the right to claim. For the district officials, these documents convey what is owed to women and what their obligations may be in a particular context.

The focus of skills building is on negotiation skills, i.e. the ability to negotiate for greater space and manoeuvrability in personal life, in the community and in relation to the state and government. Building capacity to negotiate requires clarity about rights. Rights are themselves contingent upon the norms and values held officially or otherwise by institutions responsible for law enforcement, and the administration of justice. The content and enjoyment of rights is mediated by particular political and cultural contexts and have to be understood with reference to the reality of sex discrimination, the inferior positioning of women and gender inequality. The *Doorbar* programme includes workshops to build conceptual clarity on issues of citizenship, democracy, equality and accountability. Familiarising participants with CEDAW and other documents reflecting Bangladesh's international commitments and national policy declarations is an integral part of these workshops.

At the initiative of the government, committees to resist violence against women have been set up in all 64 districts under the chairmanship of the district commissioner. *Doorbar* members now sit on four such district committees and on two *Upazila* (sub-district) committees. *Doorbar* members have simultaneously set up their own committees in 12 districts and *Upazilas*. These committees include men (usually local college teachers, journalists, lawyers, etc.), but as per *Doorbar* guidelines the total number of men in the committee cannot exceed one third and the Convenor of the committee shall always be a *Doorbar* member and therefore by definition a woman. A principal function of the *Doorbar* committees is to monitor the workings of

the government's district committees. Although recently formed, the *Doorbar* committees have already gained visibility and public confidence in a number of districts. These committees have been active in the observation of 25 November as an International Day of Action Against Violence Against Women. Participation in these committees has fostered activism on other fronts. Many members have become active in other institutions in the community, such as in the governing bodies of local schools. Co-operation has developed among *Doorbar* members in other practical matters, such as in dealing with financial institutions like banks and micro-credit agencies.

Gaining recognition as citizens requires active exercise of citizenship. It implies active and organised participation in processes to strengthen state accountability for

- public services to pay attention to women's specific needs and constraints
- a fairer distribution of resources to women and men
- measures to progressively eliminate discrimination against women and girls
- redress on violations.

A corollary to this is the development of skills to monitor the fulfilment of state obligations and for advocacy in making claims. Besides *Doorbar*, Naripokkho has undertaken two other projects that have specifically involved a combination of information gathering and dissemination and developing monitoring skills. The two projects are 'Monitoring State Interventions to Combat Violence Against Women (MSIC-VAW)' and 'Accountability to Women on Issues of Reproductive Health (ICPD Follow Up).'

MSIC-VAW was set up to systematise Naripokkho's work on violence against women in four areas: law enforcement, health services including medico-legal services, judiciary, and building capacity to claim accountability at local level. MSIC-VAW regularly monitors all 21 police stations in the Dhaka Metropolitan Area, 15 stations thrice a week and the remaining 6 twice a week; the two main public hospitals in Dhaka twice a week; and the Dhaka district Special Court on Oppression Against Women and Children on every working day. The

findings are shared periodically with police officials, health professionals and public prosecutors in an effort to sensitise them to shortfalls and drawbacks in service delivery as well as to complaints of negligence, mishandling and maltreatment; and to initiate a dialogue with service providers and policy-makers to formulate strategies for institutional reform.

In the course of the monitoring activity, Naripokkho team members frequently found themselves in situations where they were compelled to intervene on behalf of women seeking services. These interventions ranged from counselling violence survivors and assisting them in getting medical attention to facilitating the dispatch of medico-legal reports to the respective police stations. Counselling acid survivors in the burns ward and women coming to the forensic department for medico-legal tests has become a routine activity. Naripokkho's work with acid survivors has given particular visibility to their needs and in particular to the positive need for psycho-social counselling. As a result the first NGO hospital to set up treatment facilities for burn patients has included the post of a special counsellor. The post was recently filled by an acid survivor who had been an intern with Naripokkho.

In addition, five major newspapers are scanned daily to compile all reported cases of violence against women in the country. Although information is collected on all forms of violence against women, follow up is focused on rape and acid attacks. All cases of acid attacks where complaints have been filed with the police are followed up with police headquarters and rape cases are followed up with the respective district offices. Wherever possible and necessary direct contact is established with survivors. Legal support (assistance to prosecution) is provided in all cases of rape and acid attack that have occurred in Dhaka district and in selected cases of acid attack that have occurred in other parts of the country. In all other cases, legal counsel and referral services are provided. The legal support work with the public prosecutor's office has yielded results. Six acid attack cases have been won so far. Each victory is significant as it diminishes the sense of impunity that offenders currently enjoy.

The monitoring activity is replicated in other districts through partnerships with district-based organisations, women's organisations and NGOs working with women. So far 14 NGOs located in different district headquarters have been trained on how to document and monitor VAW cases locally with the district headquarters of the police department, the office of the public prosecutor and the district hospital. The training involves an on site orientation workshop and 15 days' internships at Naripokkho. This is followed up with technical assistance in the compilation and analysis of information and in the facilitation of local-level dissemination meetings with the police department, health authorities and local administration.

As a part of its long-term work with acid survivors, in 1997 Naripokkho was able to negotiate a fortnightly meeting at the office of the Inspector General of Police to review all cases of acid attack. This involves the preparation and maintenance of a log of all known incidents of acid attack and subsequent actions. This log forms the basis of the meeting where queries on the status of police investigation and action on each case are made. The police department then forwards these queries to the relevant police station and their replies are communicated at the next meeting. This regular review has been very effective in motivating police action and follow up and strengthening the department's own monitoring. As a result of this monitoring, the police have included acid attacks and gang rape as Special Report cases. This requires the local police station, within whose jurisdiction these crimes have occurred, to report progress of investigation to the police headquarters every week – a priority previously reserved from colonial times for cases of armed robbery and damages to property.

Naripokkho undertook the ICPD Follow Up project to develop a multi-tier model of accountability of the government health sector to women's groups. At the *national level*, it involved policy advocacy by Naripokkho; at the *thana (sub-district) level* it involved the facilitation of women's organisations and NGOs to carry out advocacy work at the local level; and finally, at the *individual level* Naripokkho undertook activities to build awareness so that women can claim their right to appropriate reproductive health services and care. Awareness raising at the individual level has

included a basic introduction to human anatomy and functions with a special emphasis on reproduction and on their being able to name their 'private parts' without inhibition. As a result, women have become more conscious and articulate about their health problems. Health service providers in one area have reported that women were less inhibited to speak about their problems. The project, which is a follow up to the Government of Bangladesh's commitment to the Programme of Action from the International Conference on Population and Development, has focused on developing an alternative information flow on women's health conditions and on capacity building for non-governmental organisations at the *thana* level. At the national level, the project has facilitated Naripokkho's participation in the preparation of the national Health and Population Sector Strategy and the Health and Population Sector Programme. Despite tremendous resistance the programme has included as one of its objectives the reintegration of the health and family planning services, a demand that Naripokkho has been making consistently for a long time. At the *thana* level the project is building capacity of non-governmental organisations to monitor prevalence, profile and trends in women's health problems and problems encountered in accessing health care services.

A simple, easy to handle, format was developed in consultation with the partner organisations for information collection by their extension workers. Naripokkho provided guidance in the compilation and analysis of the information and in the preparation of succinct briefs to be used for advocacy at the local level. These briefs were presented to the local Health Improvement Committees and used to demand action. The local advocacy has resulted in improvement of some services for women. For example, in a malaria endemic area the district health authority has prioritised the distribution of special chemically treated mosquito nets to pregnant women. In another area, the local health improvement committee instructed the doctors in the public health facilities to make specific enquiries about the reproductive health problems of women patients as cultural notions of modesty inhibit women from speaking about these problems. Simultaneously, Naripokkho has brought this information to the attention of policy-makers at the national level through its membership and partic-

ipation in different national committees, the National Committee for the Implementation of the ICPD Programme of Action, the Gender Advisory Committee of the Ministry of Health and Family Welfare and the Sub-committee on Reproductive Rights and Reproductive Health.

The ICPD Follow Up project has also acted as an anchor to support the work of Naripokkho's health team. Information on breast cancer, first aid information on what to do in case of acid attack, the hazards of tobacco use and in particular tobacco chewing which is a common habit among women, etc. have been disseminated through *Doorbar* as well as other channels. A campaign for the reduction of maternal mortality promoting 'safe births and a woman's right to life' was launched. This campaign has organised conferences in 25 districts and will cover 40 districts by the end of 2000.

Naripokkho has been able to take a proactive role in the interpretation of the relevant reproductive health actions for Bangladesh. It has provided substantive inputs into the Health and Population Sector Strategy which has included a commitment to the reunification of the Health and Family Planning services, a long-standing demand of the women's movement. Naripokkho has also provided substantive inputs into the formulation of a Multi-Sectoral Programme on Violence Against Women undertaken by the Ministry of Women and Children's Affairs. Other examples of influence are the inclusion of VAW on the agenda of the health sector and in particular in the GOB-UNICEF Women Friendly Hospital Initiative: the adoption of Safe Motherhood Day by UNICEF and the Government of Bangladesh (GOB), the launching of a public education campaign on the reduction of maternal mortality, and the inclusion of acid attacks and gang rape as Special Report Cases by the police department. The Forensic Department at the Dhaka Medical College Hospital has requested Naripokkho to consider a regular presence in order to counsel women requiring medico-legal examinations for rape. Traditionally, the proportion of cases where women have not given consent for such examinations has been very high. The most frequently reported reason has been the insensitive and intimidating approach of forensic pathologists and the lack of privacy. Counselling by Naripokkho

has brought about a dramatic reduction in the number of cases of 'no consent'.

However, there are also many examples where Naripokkho's attempts at constructive engagement with the state has failed. In 1999 Naripokkho was able to negotiate for the inclusion of a review of all rape cases as part of the regular fortnightly meeting at the office of the Inspector General of Police. However, the review of rape cases was discontinued by the authorities because of stated overload resulting from an increase in the number of rape incidents reported. Naripokkho now finds itself in a position of arguing and lobbying for the allocation of more resources to the police department to strengthen their monitoring capacity. Another example of not so successful engagement with the state is Naripokkho's efforts in 1999 to gain support from the National Council for Women's Development for condemnation of the government's forceful eviction of hundreds of women and children from brothels in Narayanganj. Civil society

representatives on the Council were approached to table the agenda item at its meeting. The reluctance of most of them to broach the subject weakened the attempt by a couple who did raise the issue. So instead of a condemnation of the eviction and recommendations for redress measures, the meeting hailed the government's actions.

Constructive engagement with the state is therefore never at the expense of movement building and a readiness to fight. Naripokkho convened a broad-based human rights alliance to resist the violation of sex workers rights as citizens and launched a series of protest activities including challenging the government's actions in the High Court. The court has ruled in favour of the petition and the case is now pending hearing of an appeal by the government.

It is too early to claim any real success. These are but experiments; the experimentation will continue and maybe there will be some results. It is up to the women's movement to translate some of these small gains into long-term impacts.